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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/226,107	01/07/1999	YASUNORI WATANABE	102491	.1509

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 09/09/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/226,107

Applicant(s)

WATANABE ET AL.

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 21 is/are rejected.
- 7) ☒ Claim(s) 12-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 07, 2002 has been entered.

Applicant amends claim 1, adds new claim 21.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-5, 7, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hokamura (US Patent No. 5,276,536).

Concerning claims 1, 21, Hokamura discloses an apparatus comprising an outer casing having a front side, a rear side and a lower side (Fig.1); a shaft (25), a recording section (60), a reading section (20) having a front edge substantially coincidence with the front side of the outer

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casing, a back edge opposing the front edge, left and right wall, and a lower surface. The reading section is disposed above the shaft 25 and pivotable about the shaft wherein when the reading section pivots away from the recording section, a space is provided above the recording section and the recording section is exposed outside through the space (Figs. 1-2, 6; col. 2, line 31 – col. 3, line 6; col. 3, line 45 – col. 4, line 12).

Concerning claims 2-5, 7, Hokamura et al further teaches that the reading section 20 is disposed closer to the front side of the outer casing than the recording section 60 and is rotated toward the front side of the outer casing; the shaft 25 is disposed adjacent to the recording section and disposed nearer the front side of the outer casing; a control panel (22) having a front end substantially in coincidence with the front side of the outer casing, a rear end opposing the front end, and a lower surface wherein the reading section 20 is disposed on the lower surface of the control panel; the reading section 20 is disposed adjacent to the recording section 20 and covers at least a portion of the recording section; a document discharge tray pivotally and detachably mounted near the front edge of the reading section 20 (Fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hokamura as applied to claim 1 above, and further in view of Saito (US Patent No. 5,826,133).

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Concerning claim 6, Hokamura fails to teach that the recording section 60 is an ink jet printer. Saito teaches an apparatus with an image reading section and a recording section wherein the reading section is recording section can be an ink jet printer. It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of the ink jet printer in Saito to the apparatus in Hokamura since both of them teaches a reading section which can pivotable about a shaft and a recording section while Hokamura does not specifically limit the kind of recording section.

6. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hokamura as applied to claims 4 above, and further in view of Tanoue et al (US Patent No. 5,884,117).

Concerning claims 8-11, Hokamura teaches a holder section 30 including a document holder 32 and cassette 40 which are detachable and discharge means.

Hokamura fails to teach a document discharge tray pivotally and detachably mounted near the front edge of the reading means. Tanoue discloses an image forming apparatus (Figs.1-2) with a cover mounted document-reading unit (90) and a discharge tray (82) for receiving recording papers and original documents wherein the discharge tray is pivotally and detachably mounted near the front edge of the reading means (col. 8, lines 8-19; col. 8, line 66 – col. 9, line 24). It would have been obvious to one skilled in the art at the time the invention was made to modify the holder section 30 to be a discharge tray as taught in Tanoue to the system in Hokamura since it was commonly known in the art that a discharge tray is detachable while Hokamura teaches holder section 30 including tray 32 and 40 which are pivotally and detachably mounted near the front edge of the reading means (col. 2, lines 42-50).

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Allowable Subject Matter

7. Claims 12-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Sawano et al (US Patent No. 5,642,140) discloses an assembly for a printing mechanism of a recorder and copy machine.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



August 27, 2002

Madeleine AV Nguyen
Primary Examiner
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